

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DANIEL CLARK,

Plaintiff,

v.

MR. PILKER, MR. KORANDO, MR.
HILLERMAN and MR. CARTWRIGHT,

Defendants.

Case No. 14-cv-54-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court for case management purposes. In an August 7, 2014, order (Doc. 45), the Court noted that plaintiff Daniel Clark had not paid the initial partial filing fee of \$6.38 assessed pursuant to 28 U.S.C. § 1915(b)(1) (Doc. 17). The Court further noted that Clark was capable of paying that fee within the six months before he filed this suit and that he should have anticipated the need to file a lawsuit and pay a filing fee in the ballpark of the assessed fee. The Court further found that Clark had not met his burden of showing sufficient funds did not exist in his account to pay the assessed fee. The Court then set a deadline of September 5, 2014, for Clark to pay the filing fee.

Clark now asks the Court to vacate the deadline for payment of the assessed fee and includes with his motion a statement of his trust fund account balance from June 12, 2014, to August 11, 2014 (Doc. 46). That statement reflects that, even considering restricted funds, Clark had, at some point during the pendency of this case, enough money to pay the \$6.38 filing fee. For example, on June 16, 2014, he had a balance of \$28.78 and restrictions of \$14.14. Thus, he was in the black to the tune of \$14.64 from which he could have paid the assessed fee. He must pay the consequences for failing to do so.

For these reasons, the Court **DENIES** Clark's motion to vacate the deadline to pay the

initial partial filing fee (Doc. 46) and, as it warned it would do, **DISMISSES** this case without prejudice. The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 10, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE